

**DURHAM, NORTH CAROLINA  
MONDAY, OCTOBER 7, 2013  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Don Moffitt and Steve Schewel. Excused Absence: Mayor William V. Bell. Absent: Council Member Howard Clement, III.

Also present: Deputy City Manager Wanda Page, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Pro Tempore Cole-McFadden called the meeting to order with a moment of silent meditation followed by the pledge of allegiance led by Council Member Brown.

Mayor Pro Tempore Cole-McFadden read the following proclamations designating October 2013 as 1) National Arts and Humanities Month presented to Dan Ellison, President of the Durham Arts Council Board, Sherry DeVries, Durham Arts Council Executive Director and John Bemis, the Piedmont Laureate; 2) Domestic Violence Awareness Month presented to Ingram Hedgpeth, Durham Crisis Response Center Board Chair and Auerila Sands Belle, Durham Crisis Response Center Executive Director; 3) October 25, 2013 as Take A Loved One to the Doctor Day presented to Tiffany Jones with the Durham Diabetes Coalition and 4) October 2013 as Breast Cancer Awareness Month presented to Del Mattioli Durham Citizen and a Community Activist. All recipients made comments.

Council Member Brown congratulated Ruffin Hall, his nephew, on being appointed as the new City Manager of Raleigh.

Mayor Pro Tempore Cole-McFadden asked for priority items by the City Manager, City Attorney and City Clerk. Deputy City Manager Wanda Page asked that General Business Agenda Item #12 [Street Closing – Holland Street SC1300001 be referred back to the administration—City/County Planning Department.

City/County Planning Director Steve Medlin explained why this item was being referred back to the administration referencing the evaluation of the street closing process and announced that a Design Charrette will be held at the site on October 22, 2013 at 6:00 p.m.

**MOTION** by Council Member Catotti seconded by Council Member Schewel to accept the City Manager's priority item was approved at 7:39 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

There were no priority items by the City Attorney or City Clerk.

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**[SUPPLEMENTAL ITEM]**

**SUBJECT: Mayor's Nominee for Appointment - Human Relations Commission**

**MOTION** by Council Member Moffitt seconded by Council Member Catotti to appoint Susan Austin to the Human Relations Commission as a Mayor's Appointee with the term to expire on June 30, 2016 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

City Clerk Gray swore in Susan Austin as a member of the Human Relations Commission as the Mayor's Appointee with the term expiring on June 30, 2016.

Mayor Pro Tempore Cole-McFadden explained that the Consent Agenda is approved with a single motion and items pulled from that agenda by any citizen or council member will be discussed at the end of the agenda. Consent Agenda Item #5 [Bids - State Contract Purchase - Twenty-Two (22) Police Patrol Vehicles] was pulled by a citizen.

**MOTION** by Council Member Catotti seconded by Council Member Moffitt to approve the Consent Agenda as amended was approved at 7:43 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

**[CONSENT AGENDA]**

**SUBJECT: Approval of City Council Minutes**

**MOTION** by Council Member Catotti seconded by Council Member Moffitt to approve City Council minutes for August 8, 2013 City Council Work Session, August 19, 2013 City Council Meeting and August 22, 2013 City Council Work Session was approved at 7:43 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

**SUBJECT: Triangle Transit Board of Trustees - Appointment**

**MOTION** by Council Member Catotti seconded by Council Member Moffitt to reappoint Mayor William V. "Bill" Bell to the Triangle Transit Board of Trustees as the City Representative with the term to expire on November 30, 2017 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

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**SUBJECT: Procurement Card Performance Audit June 2013**

**MOTION** by Council Member Catotti seconded by Council Member Moffitt to receive and accept the Procurement Card Performance Audit dated June 2013 as presented and approved at the August 26, 2013 Audit Services Oversight Committee meeting was approved at 7:43 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

**SUBJECT: Inventory Audit June 2013**

**MOTION** by Council Member Catotti seconded by Council Member Moffitt to receive and accept the Inventory Audit (June 2013) dated August 2013 as presented and approved at the August 26, 2013 Audit Services Oversight Committee meeting was approved at 7:43 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

**SUBJECT: Bid Report - August 2013**

**MOTION** by Council Member Catotti seconded by Council Member Moffitt to receive a report and to record into the minutes the following bids which were acted upon by the City Manager during the month of August 2013 was approved at 7:43 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

**Date: August 30, 2013**

**To: Thomas J. Bonfield, City Manager**

**Through: Wanda S. Page, Deputy City Manager**

**From: David Boyd, Finance Director  
Lynette McRae, Purchasing Supervisor**

**Subject: Bid Report – August 2013**

**Recommendation**

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of August 2013.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

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**1. Bid: Water Meter Box Lids**

Purpose of Bid: To provide the Water Management/Distribution Collections with replacement water meter box lids, as part of the residential water meter replacement program.

Comments: 1000 @ \$33.72/each

Opened: July 18, 2013

Bidders:	Fortiline Waterworks, Inc.	* \$33,720.00
	Raleigh, NC	
	TEC Utility Supply, Inc.	\$36,310.00
	Raleigh, NC	
	East Jordon Ironworks, Inc.	\$43,400.00
	Apex, NC	

\*Awarded based on:   X   Low Bid        Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	359		# Black Males	32	9%
Total # Females	34	9%	# White Males	277	77%
Total # Males	325	91%	# Other Males	16	5%
			# Black Females	3	1%
			# White Females	31	8%
			# Other Females	0	0%

**2. Bid: Safety Guard Rails**

Purpose of Bid: To provide the Water Management/Pump Station Maintenance with new safety guard rail parts and accessories for the North Durham WRF lift station building and the grit collector box area.

Comments:

Opened: July 29, 2013

Bidders:	Hagemeyer, Inc.	* \$30,649.50
	Raleigh, NC	
	Grainger, Inc.	\$32,630.57
	Lincolnshire, IL	
	Miller Industrial Supply, Inc.	\$34,117.43
	Raleigh, NC	

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\*Awarded based on:   X   Low Bid           Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	2487		# Black Males	181	7%
Total # Females	684	28%	# White Males	1372	55%
Total # Males	1803	72%	# Other Males	250	10%
			# Black Females	79	3%
			# White Females	538	22%
			# Other Females	67	3%

**3.     Bid:           Mobile Oversized Vehicle Lift**

Purpose of Bid:       To provide the Fleet Management Department with a 6-Column Mobile Vehicle Lift for large oversized vehicles.

Comments:

Opened:           July 31, 2013

Bidders:	Lifting Solutions LLC	* \$62,274.58
	Hickory, NC	
	Alan Tye & Associates, Ltd.	\$67,551.00
	Fairfax, VA	

\*Awarded based on:   X   Low Bid           Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	1		# Black Males	0	0%
Total # Females	0	0%	# White Males	1	100%
Total # Males	1	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

**4.     Bid:           Taser International Stun Gun Training Equipment and Ammunition**

Purpose of Bid:       To provide the Police Department with Taser stun gun training equipment and ammunition.

Comments:           Lawmen's Safety Supply is the sole authorized regional Police

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distributor for the Taser International brand of stun guns,  
accessories, and ammunition.

Opened: August 1, 2013

Bidders: Lawmen's Safety Supply, Inc. \* \$33,065.81  
Charlotte, NC

\*Awarded based on: \_\_\_\_\_ Low Bid   X   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	26		# Black Males	1	4%
Total # Females	13	50%	# White Males	12	46%
Total # Males	13	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	13	50%
			# Other Females	0	0%

**5. Bid: Facility Dude Maintenance Software Renewal**

Purpose of Bid: To provide General Services with the Annual Software Maintenance License for their new facility maintenance software, Facility Dude.

Comments: Technology Solutions evaluated and recommended the Facility Dude software replace the Cityworks Server software previously used by General Services.

Opened: August 1, 2013

Bidders: FacilityDude.com \* \$14,310.00  
Cary, NC

\*Awarded based on: \_\_\_\_\_ Low Bid   X   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	193		# Black Males	4	2%
Total # Females	86	45%	# White Males	96	50%
Total # Males	107	55%	# Other Males	7	3%
			# Black Females	5	3%
			# White Females	79	41%
			# Other Females	2	1%

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**6. Bid: Water & Sewer Pipe Tapping Equipment**

Purpose of Bid: To provide Water Management/Distribution Collection with Hydra-Stop brand water and sewer pipe tapping fittings and accessories.

Comments: ADS, LLC is the sole designer and supplier of the Hydra-Stop brand of pipe tapping and insertion equipment. This equipment is needed to interact with existing Hydra-Stop equipment already in use by the City.

Opened: August 1, 2013

Bidders: ADS, LLC \* \$11,692.00  
Alsip, IL

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	221		# Black Males	21	9%
Total # Females	48	22%	# White Males	132	60%
Total # Males	173	78%	# Other Males	20	9%
			# Black Females	12	5%
			# White Females	32	15%
			# Other Females	4	2%

**7. Bid: Water Meter Registers**

Purpose of Bid: To provide the Water Management/Distribution Collections with replacement 5/8" water meter Ecoder radio frequency registers, as part of the residential water meter replacement program.

Comments: 500 @ \$157.50/each

Opened: August 7, 2013

Bidders: HD Supply Waterworks, Inc. \* \$78,750.00  
Morrisville, NC  
Garcorp, Inc. \$87,500.00  
Durham, NC  
Neptune Technology Group, Inc. \$92,620.00  
Tallassee, AL

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\*Awarded based on:   X   Low Bid           Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	15		# Black Males	3	20%
Total # Females	1	7%	# White Males	11	73%
Total # Males	14	93%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	7%
			# Other Females	0	0%

**8. Bid: Industrial Forklift Truck**

Purpose of Bid: To provide the Fleet Management Department with a replacement Forklift Truck for receiving and moving palletized goods and materials.

Comments:

Opened: August 8, 2013

Bidders:	Dougherty Equipment Co., Inc. *	\$25,409.00
	Greensboro, NC	
	Southeast Industrial Equipment, Inc.	\$26,179.00
	Raleigh, NC	

\*Awarded based on:   X   Low Bid           Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	322		# Black Males	7	2%
Total # Females	59	19%	# White Males	253	78%
Total # Males	263	81%	# Other Males	3	1%
			# Black Females	1	1%
			# White Females	55	17%
			# Other Females	3	1%

**9. Bid: John Deere Riding Lawn Mowers**

Purpose of Bid: To provide the Parks and Recreation Department with two replacement mowers for mowing and maintaining athletic fields and common areas.

Comments: 2 @ \$12,674.02/each



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Opened: August 8, 2013

Bidders:	Barnhill Equipment Company	* \$25,348.04
	Durham, NC	
	Revels Turf and Tractor, LLC	\$25,670.00
	Fuquay-Varina, NC	
	Quality Equipment, LLC	\$25,800.00
	Roxboro, NC	

\*Awarded based on:   X   Low Bid        Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	9		# Black Males	0	0%
Total # Females	1	11%	# White Males	8	89%
Total # Males	8	89%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	11%
			# Other Females	0	0%

**10. Bid: Thermoplastic Traffic Paint**

Purpose of Bid: To provide the Transportation/Sign Shop with yellow and white thermoplastic paint.

Comments: 176,000 lbs of Yellow paint @ .55/lb.  
88,000 lbs of White paint @ .59/lb.

Opened: August 19, 2013

Bidders:	Swarco Industries	* \$148,720.00
	Columbia, TN	
	The Sherwin Williams Co.	\$156,640.00
	Manchester, GA	
	Ennis Paint	\$173,360.00
	Ennis, TX	
	Aero Circa	\$176,880.00
	Walnut, CA	

\*Awarded based on:   X   Low Bid        Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

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Total Workforce	54		# Black Males	7	13%
Total # Females	11	20%	# White Males	35	65%
Total # Males	43	80 %	# Other Males	1	2%
			# Black Females	0	0%
			# White Females	11	20%
			# Other Females	0	0%

**11. Bid: McAfee Software Upgrade**

Purpose of Bid: To upgrade the current (McAfee) firewall and recovery security software system.

Comments: NWN is the current network system provider for the City of Durham.  
Price is from State Contract No. 240L.

Opened: September 15, 2012

Bidders: NWN Corporation \* \$54,254.70  
Waltham, MA

\*Awarded based on: \_\_\_\_\_ Low Bid   X   Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	53		# Black Males	3	6%
Total # Females	21	40%	# White Males	22	42%
Total # Males	32	60%	# Other Males	7	13%
			# Black Females	4	7%
			# White Females	17	32%
			# Other Females	0	0%

The Small Disadvantaged Business Enterprise data base was used in the solicitation of bids for these items.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

**SUBJECT: Amendment #1 to the Inter-Local Agreement to Provide Recycling Collection Service for Durham County Convenience Centers – County of Durham**

**MOTION** by Council Member Catotti seconded by Council Member Moffitt to authorize the City Manager to execute Amendment #1 to the Inter-Local Agreement with the County of Durham to provide recycling collection service for Durham County Convenience Centers for two

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additional years in the amount of \$76,536.00 was approved at 7:43 p.m. by the following vote:  
Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

**The City Council disposed of the following agenda items at the September 19, 2013 Work Session:**

**7. Ten Year Lease for the Office of Economic and Workforce Development with Edgemont Tenant, LLC at 807 E. Main Street**  
*(This item was approved at the 09-19-13 Work Session with a vote of 6/0)*

To authorize the City Manager to execute a ten-year lease with Edgemont Tenant, LLC in the amount of \$1,328,480.19 for space at Building 5 of the Golden Belt complex located at 807 E. Main Street; and

To authorize the City Manager to execute the First Amendment To Lease Agreement between Venable Tenant, LLC and City of Durham for the Dibrell Building at 302 E. Pettigrew Street.

**9. Challenging Our Students to Achieve: The New State Standards and Durham Public Schools (DPS)**  
*(A presentation was received at the 09-19-13 Work Session)*

To receive a presentation from Superintendent Eric Becoats on Challenging Our Students to Achieve: *the new state standards and DPS.*

**10. Report on Failed and Struggling Developments**  
*(A report was received at the 09-19-13 Work Session)*

To receive a report from the Public Works Department on failed and struggling developments.

**13. William Traywick, Jr.**  
*(Citizen did not appear at the 09-19-13 Work Session)*

To receive comments from William Traywick, Jr. regarding Durham Area Transit Authority (DATA).

**14. Timothy Ferry**  
*(Comments were received at the 09-19-13 Work Session)*

To receive comments from Timothy Ferry regarding the protection of its tenant's rights.

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**15. Scott Barndt**

*(Comments were received at the 09-19-13 Work Session)*

To receive comments from Scott Barndt regarding solicitation and housing for the elderly.

**16. David Hall**

*(Comments were received at the 09-19-13 Work Session)*

To receive comments from David Hall regarding problems that exists in certain areas of Durham's leadership.

**17. Tia Hall**

*(Comments were received at the 09-19-13 Work Session)*

To receive comments from Tia Hall regarding problems that exists in certain areas of Durham's leadership and Durham Police Department.

**18. Meghan McDowell**

*(Comments were received at the 09-19-13 Work Session)*

To receive comments from Meghan McDowell regarding the Civilian Review Board.

**[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

**SUBJECT: Mini Assessment Roll for Sewer Main on East Cornwallis Road**

To amend the Assessment Relief Policy to include preexisting access to a utility as a criterion for relief of the assessment with the provision that a future frontage charge will be due and payable at the prevailing rate at the time of application for connection;

To conduct a public hearing to receive public comments on confirmation of the mini assessment roll for Sewer Main on East Cornwallis Road; and

To reconsider the assessment against the property of U.D.I. Community Development Corp. and to find that the property, identified as 4601 Industry Lane, PIN 0729-02-97-7530, has not benefited from the sewer main improvement at this time and to grant relief of the assessment in the amount of \$13,990.00, with the provision that the applicable sewer frontage charge will be due and payable at the prevailing rate should the property connect to City sewer (in accordance with City policy).

Mayor Pro Tempore Cole-McFadden opened the public hearing.

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Public Works Director Marvin Williams briefed Council on the mini assessment roll for sewer main on East Cornwallis Road and referenced staff's recommendation as printed on the agenda.

There being no one to speak in support for or against this item, the Mayor Pro Tem closed the public hearing.

Council Member Schewel stated as I understand it - if we do not assess this property owner the money will not be collected until UDI connects to city sewer at some future date.

Public Works Director Marvin Williams replied that is correct.

Council Member Schewel stated we are not passing this portion of the assessment on to some other property owner, is that correct?

Public Works Director Marvin Williams replied that is correct.

Council Member Schewel asked if this situation is a common one, are there other property owners in this situation?

Public Works Director Marvin Williams stated no and said this is a very unique situation which is one of the reasons staff had to go back and review the relief criteria policy that is currently in place.

Council Member Schewel asked are there property owners in the recent past in the same situation that have been assessed the fee and simply paid it.

Public Works Director Marvin Williams replied no, there has not been and stated they did not feel this would be a frequent occurrence.

Council Member Schewel stated it is important that we make good public policy and the public have confidence in what is being done. He said it is being recommended that the council change a practice that has been in place since 1979, and if this was any property owner that came to the city and ask for relief, would the staff be making the same recommendation, and is this good public policy or is it not regardless of who is making the request?

Public Works Director Marvin Williams replied yes, they would be making the same recommendation regardless of the property owner coming forward. Also, he said it was good public policy because the current policy was written at a time when there was not as much development occurring in the city limits, especially commercial development and this is just helping adjust to current times.

**MOTION** by Council Member Moffitt seconded by Council Member Catotti to revise the existing assessment relief policy as recommended and find that the property [U.D.I. Community Development Corp -- identified as 4601 Industry Lane, PIN 0729-02-97-7530] has not benefitted from the sewer main improvement at this time and grant relief of the assessment, with the provision that a sewer frontage charge will be due and payable at the prevailing rate should

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the property connect to City sewer was approved at 7:49 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

**SUBJECT: Street Closing - 128 Linear Feet of Holland Street (SC1300001)**

To conduct a public hearing to receive comments on the Street Closing – 128 Linear Feet of Holland Street (SC1300001); and

To adopt an Order permanently closing 128 linear feet of Holland Street with the condition that the property owner(s) of the closed right of way record a ten (10) foot wide public pedestrian easement.

**Note: By a vote of 5/0, the City Council referred this item back to the administration [City/County Planning] at the request of the City Manager earlier in the meeting.**

**[ITEM PULLED FROM CONSENT AGENDA]**

**SUBJECT: Bids - State Contract Purchase - Twenty-Two (22) Police Patrol Vehicles - Butler Chrysler Dodge Jeep, Inc.**

Victoria Peterson expressed a concern that a company outside of North Carolina received the bid for this item.

**MOTION** by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Butler Chrysler Dodge Jeep, Inc., in the amount of \$556,822.20 for providing the City with twenty-two Police Patrol Vehicles was approved at 7:55 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Excused Absence: Mayor Bell. Absent: Council Member Clement.

There being no further business to come before the City Council, the meeting was adjourned at 7:56 p.m.

Linda E. Bratcher, CMC  
Deputy City Clerk

D. Ann Gray, MMC, NCCMC  
City Clerk